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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**WINSTON SHROUT,**

**Defendant.**

**Case No. 3:15-cr-00438-JO-1**

**MOTION TO STAY ORDERS TO  
SELF-SURRENDER**

The defendant, Winston Shrout, through counsel, Ruben L. Iñiguez, respectfully moves the Court to enter an Order staying all previous orders directing him to “surrender for service of sentence at FCI Sheridan, the institution designated by the Bureau of Prisons, on Monday, January 7, 2018 [sic] no later than 2 p.m.” ECF 180. *See also* ECF 181. The government, through Stuart A. Wexler and Lee F. Langston, Trial Attorneys, Tax Division, does not oppose this motion. It agrees that Mr. Shrout “accurately states the [Ninth Circuit] rule” governing release pending appeal, but it “would defer to the Court’s judgment regarding any necessary stay.”

## **BACKGROUND**

On October 26, 2018, Mr. Shrout timely filed a Notice of Appeal from the Judgment and Conviction with the United States Court of Appeals for the Ninth Circuit. ECF 163; *see also United States v. Winston Shrout*, CA No. 18-30228. On December 20, he filed a Motion for Release Pending Appeal with the Ninth Circuit pursuant to Federal Rule of Appellate Procedure 9 and Ninth Circuit Rule 9-1.2. *See* CA No. 18-30228 at Docket Entry 6.

## **MOTION**

Ninth Circuit Rule 9-1.2(e) states: “If the appellant is on bail at the time the motion [for bail pending appeal] is filed in this Court, that bail will remain in effect until the Court rules on the motion.”

Mr. Shrout remains on bail at this time, and the Ninth Circuit has yet to rule on the motion for release pending appeal he filed yesterday. Accordingly, he respectfully moves the Court to enter an Order staying all previous orders directing him to surrender for service of his sentence on January 7, 2019. *See* ECF 180 and 181.

Counsel has discussed this Motion to Stay Orders to Self-Surrender with counsel for the government, Stuart A. Wexler and Lee F. Langston, Trial Attorneys, Tax Division. As noted above, the government “would defer to the Court’s judgment regarding any necessary stay.”

RESPECTFULLY submitted this 21st day of December, 2018.

/s/ Ruben L. Iñiguez

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Assistant Federal Public Defender